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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 PABLO MENDOZA CHAVEZ,

12 Plaintiff,

13 v.

14 KINGS COUNTY, et al.,

15 Defendants.
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Case No. 1:20-cv-00369-EPG (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR APPOINTMENT OF PRO BONO
COUNSEL, WITHOUT PREJUDICE

(ECF NO. 8)

18 Pablo Chavez ("Plaintiff") is a prisoner proceeding *pro se* in this civil rights action filed
19 pursuant to 42 U.S.C. § 1983.

20 On March 24, 2020, Plaintiff filed a motion for appointment of pro bono counsel. (ECF
21 No. 8). Plaintiff asks for appointment of counsel because he does not know how to proceed *pro*
22 *se* (he does not understand the law or civil suits).

23 Plaintiff does not have a constitutional right to appointed counsel in this action, Rand v.
24 Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), withdrawn in part on other grounds, 154 F.3d 952
25 (9th Cir. 1998), and the Court cannot require an attorney to represent Plaintiff pursuant to 28
26 U.S.C. § 1915(e)(1). Mallard v. United States District Court for the Southern District of Iowa,
27 490 U.S. 296, 298 (1989). However, in certain exceptional circumstances the Court may request
28 the voluntary assistance of counsel pursuant to section 1915(e)(1). Rand, 113 F.3d at 1525.

1 Without a reasonable method of securing and compensating counsel, the Court will seek
2 volunteer counsel only in the most serious and exceptional cases. In determining whether
3 “exceptional circumstances exist, a district court must evaluate both the likelihood of success of
4 the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of the
5 complexity of the legal issues involved.” *Id.* (citation and internal quotation marks omitted).

6 The Court will not order appointment of pro bono counsel at this time. The Court has
7 reviewed the record in this case, and at this time the Court is unable to make a determination that
8 Plaintiff is likely to succeed on the merits of his claims. Moreover, it appears that Plaintiff can
9 adequately articulate his claims.

10 Plaintiff is advised that he is not precluded from renewing his motion for appointment of
11 pro bono counsel at a later stage of the proceedings.

12 For the foregoing reasons, IT IS ORDERED that Plaintiff’s motion for appointment of pro
13 bono counsel is DENIED without prejudice.

14 IT IS SO ORDERED.

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16 Dated: March 27, 2020

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE